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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/084,007	05/26/1998	TOMOAKI TAMURA	02860.0585	4892
22852	7590	08/11/2004	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 1300 I STREET, NW WASHINGTON, DC 20005			TILLERY, RASHAWN N	
			ART UNIT	PAPER NUMBER
			2612	22

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/084,007

Applicant(s)

TAMURA, TOMOAKI

Examiner

Rashawn N Tillery

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-19 and 23-29 is/are pending in the application.
- 4a) Of the above claim(s) 16-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-28 is/are rejected.
- 7) ☒ Claim(s) 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 23-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Tullis (US6535243).

Regarding claim 27, Tullis discloses, in figure 2, a portable camera being carried by an operator, comprising:

a photographing section (44, 48) to photograph an object and to convert photoelectrically a photographed color image of the object into electrical image signals;

a processing section (56) to process the electrical image signals so as to output first color image data in the form of a first data format (Tullis teaches the resolution of a captured image directly relates to the density of the pixels in the array) to record color data of the photographed color image (see col. 4, lines 9-32);

a memory section in which a removable memory (52) is accommodated, wherein the processing section records the photographed color image by storing the first color

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image data in the removable memory accommodated in the memory section (see col. 4, lines 32-47);

a color display section (68) to display a color image, wherein the processing section processes the first color image data in the removable memory so that the color display section displays a color image corresponding to the first color image data (see col. 4, line 61 to col. 5, line 12);

a terminal (72) to transmit image data to an external device (10) and to receive image data from an external device (see col. 5, lines 13-42);

wherein the portable camera is adapted to receive second color image data in the form of a second color format different from the first color data format by accommodating in the memory section a removable memory storing the second color image data (Tullis is capable of transferring image data to a host computer for storage and further processing; the processing techniques used are for image enhancement to produce higher resolution images; the images can then be transferred back to the camera from the computer for display; therefore, Tullis' first color image data, in a first format, would be the data initially captured and stored in the camera memory of a normal resolution; and the second color data, in a second format, would be the post-processed data transmitted back to the camera of a higher resolution; the examiner further notes that Applicant's claim language is written in the alternative and thus requires only part of the limitation be met); and

wherein the first color image data and the second color image data are digital image data including a data set of luminance data and color component data and the

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first color image data and the second color image data are different in data configuration of the color component data (Tullis teaches that the color balance of a digital image can be adjusted as well as the gamma and luminance; the examiner notes that the data configuration of Tullis' "normal resolution" images and the "higher resolution" images are inherently different since the "higher resolution" images are enhanced after further processing by the computer);

wherein the color component data are represented by color difference data and the first color image data and the second color image data are different in data configuration of the color difference data (the examiner notes that it is inherent that if the color balance is adjusted and the image enhanced, the configuration of the color difference data will be different);

wherein the processing section processes the second color image having the different configuration of the color difference data in such a way that the color display section displays a color image corresponding to the second color image data (see col. 7, lines 18-39).

Regarding claim 23, Tullis discloses that the first and second color image data are different in number of pixels of the color difference data since the second color image data has a higher resolution.

Regarding claim 24, Tullis discloses, in figure 1, the terminal receives image data from an external computer (10).

Regarding claim 25, Tullis discloses the terminal comprises an infrared unit (see col. 5, line 21)

Regarding claim 28, see claim 27 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tullis.

Regarding claim 26, Tullis teaches wirelessly transmitting image data to and from an external device. Tullis does not expressly disclose a serial driver to conduct a serial data transmission. Tullis teaches in the background of the invention that it is well known in the art to transmit image data by "tethering" the camera to the computer (see col. 1, lines 51-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement any of a variety of techniques known in the art for transmitting image data from a camera to an external device since as disclosed in Tullis, they can be applied interchangeably producing the same result.

Allowable Subject Matter

Claim 29 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Regarding claim 29, the prior art does not teach or fairly suggest a portable camera being carried by an operator comprising a photographing section, a processing section, a memory section, a color display section and a terminal, wherein the data configuration of the color difference data of one of the first color image data and the second color image data is as claimed.

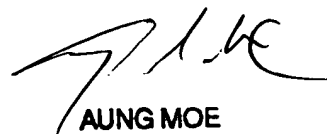
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rashawn N Tillery whose telephone number is 703-305-0627. The examiner can normally be reached on 9AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RNT


AUNG MOE
PRIMARY EXAMINER